

## IN THE CIRCUIT COURT OF CASS COUNTY, MISSOURI

BILLIE DIANE KNIGHT	)	
230 North Carriage Meadows	)	
Peculiar, Missouri 64078	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.
	)	
MENARD, INC.	)	Division
Serve:	)	
CSC-Lawyers Incorporating	)	
Service Company, Registered Agent	)	
221 Bolivar Street	)	
Jefferson City, Missouri 65101	)	
Defendant.	)	

**PETITION FOR DAMAGES**

Plaintiff Knight, by and through the undersigned counsel, and for her claims for relief against Defendant Menard, Inc., states, alleges, and avers as follows:

**PARTIES**

1. At all relevant times, Plaintiff Knight was and is an individual and resident of Peculiar, Cass County, Missouri.

2. At all relevant times, Defendant was and is a foreign for-profit corporation registered to do business in the State of Missouri that owned and operated a business located at 800 Markey Parkway, Belton, Missouri 64012 ("the Store"). Defendant may be served via its registered agent, CSC-Lawyers Incorporating Service Company, 221 Bolivar Street, Jefferson City, Missouri 65101.

3. This Court has personal jurisdiction over Defendant in this matter pursuant to Section 506.500 of the Missouri Revised Statutes.

4. This Court has subject matter jurisdiction in this matter.

5. Venue is proper per Section 508.010 of the Missouri Revised Statutes.

**FACTS COMMON TO ALL COUNTS**

6. On April 5, 2021, Plaintiff was a business invitee at the Store, when she slipped on a cardboard display, thereby causing Plaintiff to fall and sustain serious injury (“the Incident”).

7. The area in which Plaintiff fell had no warnings or signage posted just prior to her fall.

8. At all relevant times hereto, the Incident site presented a dangerous condition and was not reasonably safe as a result of one or more of the following: the aforementioned cardboard display and its placement; the failure to clear the area of debris, namely the cardboard display; the lack of warning; or other reasons not known at this time.

9. Plaintiff was unaware of the dangerous condition before falling at the Incident site.

10. The unsafe, dangerous condition was not apparent to a reasonable person, so that said condition was neither open, obvious, known, or appreciated by Plaintiff.

11. The acts and omissions of Defendant were carried out by its agents, servants and employees acting within the course and scope of their employment with Defendant.

**COUNT I - NEGLIGENCE**

12. Plaintiff hereby incorporates by reference all preceding allegations of the Petition for Damages as if fully set forth herein.

13. At all relevant times herein, Defendant was the owner of the Store and/or maintained possession, control, and/or maintenance of the Store and Incident site.

14. Defendant owed a duty to exercise reasonable care to ensure that the Store and Incident site were in a reasonably safe and suitable condition for invitees, including Plaintiff.

15. At the time of the Incident, the area where the Incident occurred constituted a dangerous condition.

16. Defendant knew or should have known through the exercise of reasonable care that the condition of the Store and Incident site at the date and time of the Incident was unreasonably dangerous.

17. Alternatively, Defendant negligently created the dangerous condition or so caused it to be created by negligently maintaining the Store and Incident site, such that Defendant was deemed to have had actual notice of said dangerous condition.

18. Defendant breached its duty to Plaintiff when it failed to keep the Store and Incident site in a condition that was reasonably safe for Plaintiff and other invitees, and further by failing to remedy or warn Plaintiff of said dangerous condition.

19. As a direct and proximate result of the aforesaid negligence of Defendant, Plaintiff was injured and has suffered and will continue to suffer damages including, but not limited to, those arising from:

- a. Past medical and hospital expenses;
- b. Future medical, hospital and life care expenses;
- c. Past lost wages;
- d. Diminished earning capacity;
- e. Past and future emotional distress;
- f. Pain and suffering;
- g. Mental anguish;
- h. Disfigurement; and
- i. Past and future loss of enjoyment of life.

20. All of Plaintiff's injuries, disabilities, infirmities, and damages are permanent, painful, and progressive in nature and extent.

WHEREFORE, based on the foregoing, Plaintiff prays for a judgment against Defendant in excess of \$25,000, Plaintiff's costs incurred herein and for such other and further relief as the Court deems just and proper.

**COUNT II – RES IPSA LOQUITUR**

21. Plaintiff hereby incorporates by reference all preceding allegations of the Petition for Damages as if fully set forth herein.

22. Defendant physically controlled and/or had the legal right to control the aforementioned cardboard display and the Incident site before the Incident occurred.

23. An object, such as the cardboard display, placed or left on the floor where customers traffic does not ordinarily happen in the absence of negligence or when those in charge of displays and/or floor maintenance exercise reasonable care.

24. The fact that the Incident occurred, and the reasonable inferences therefrom, indicate the Incident was directly caused by the negligence of Defendant.

25. As a direct and proximate result of the aforesaid negligence of Defendant, Plaintiff was injured and has suffered and will continue to suffer damages including, but not limited to, those arising from:

- j. Past medical and hospital expenses;
- k. Future medical, hospital and life care expenses;
- l. Past lost wages;
- m. Diminished earning capacity;
- n. Past and future emotional distress;
- o. Pain and suffering;
- p. Mental anguish;
- q. Disfigurement; and

r. Past and future loss of enjoyment of life.

26. All of Plaintiff's injuries, disabilities, infirmities, and damages are permanent, painful, and progressive in nature and extent.

WHEREFORE, based on the foregoing, Plaintiff prays for a judgment against Defendant in excess of \$25,000, Plaintiff's costs incurred herein and for such other and further relief as the Court deems just and proper.

DEMAND FOR A JURY TRIAL

Plaintiff hereby demands a trial by jury on all counts and claims in this cause of action.

Respectfully submitted,

**DIPASQUALE MOORE, LLC**

/s/ David L. Johnson

DAVID L. JOHNSON #61867

4050 Pennsylvania Ave., Suite 121

Kansas City, MO 64111

Phone: (816) 888-7501

Fax: (816) 888-7519

E-mail: [dave.johnson@dmlawusa.com](mailto:dave.johnson@dmlawusa.com)

ATTORNEY FOR PLAINTIFF

## IN THE CIRCUIT COURT OF CASS COUNTY, MISSOURI

BILLIE DIANE KNIGHT	)	
230 North Carriage Meadows	)	
Peculiar, Missouri 64078	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.
	)	
MENARD, INC.	)	Division
Serve:	)	
CSC-Lawyers Incorporating	)	
Service Company, Registered Agent	)	
221 Bolivar Street	)	
Jefferson City, Missouri 65101	)	
Defendant.	)	

**MOTION FOR APPOINTMENT OF PRIVATE PROCESS SERVER**

COMES NOW Plaintiff by and through counsel, and hereby moves for the appointment of KC Progressive and Hulver & Associates, LLC and/or their Agents as Special Process Servers per Supreme Court Rule 54.03 to serve Petition for Damages and Summons on Defendant.

Respectfully submitted,

DIPASQUALE MOORE, LLC

/s/ David L. Johnson  
 DAVID L. JOHNSON #61867  
 4050 Pennsylvania Ave., Ste. 121  
 Kansas City, MO 64111  
 Phone: 816-888-7501  
 Fax: 816-888-7519  
 Email: [dave.johnson@dmlawusa.com](mailto:dave.johnson@dmlawusa.com)  
 ATTORNEY FOR PLAINTIFF

**FILED**  
**Cass County**  
**Circuit Court**  
**1/18/2022, 10:54 AM**

**ORDER FOR APPOINTMENT OF PRIVATE PROCESS SERVER**

It is hereby ordered that Plaintiff's Motion for Appointment of Private Process Server is sustained and the above-named individuals are hereby appointed to serve process in the above captioned matter.

DATE: January 18, 2022

/s/ Kim York, Circuit Clerk/ls

Judge or Circuit Clerk

## IN THE CIRCUIT COURT OF CASS COUNTY, MISSOURI

BILLIE DIANE KNIGHT	)	
230 North Carriage Meadows	)	
Peculiar, Missouri 64078	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.
	)	
MENARD, INC.	)	Division
Serve:	)	
CSC-Lawyers Incorporating	)	
Service Company, Registered Agent	)	
221 Bolivar Street	)	
Jefferson City, Missouri 65101	)	
Defendant.	)	

**MOTION FOR APPOINTMENT OF PRIVATE PROCESS SERVER**

COMES NOW Plaintiff by and through counsel, and hereby moves for the appointment of KC Progressive and Hulver & Associates, LLC and/or their Agents as Special Process Servers per Supreme Court Rule 54.03 to serve Petition for Damages and Summons on Defendant.

Respectfully submitted,

DIPASQUALE MOORE, LLC

/s/ David L. Johnson  
 DAVID L. JOHNSON #61867  
 4050 Pennsylvania Ave., Ste. 121  
 Kansas City, MO 64111  
 Phone: 816-888-7501  
 Fax: 816-888-7519  
 Email: [dave.johnson@dmlawusa.com](mailto:dave.johnson@dmlawusa.com)  
 ATTORNEY FOR PLAINTIFF



**FILED**  
**Cass County**  
**Circuit Court**  
**1/18/2022, 10:54 AM**

**ORDER FOR APPOINTMENT OF PRIVATE PROCESS SERVER**

It is hereby ordered that Plaintiff's Motion for Appointment of Private Process Server is sustained and the above-named individuals are hereby appointed to serve process in the above captioned matter.

DATE: January 18, 2022

/s/ Kim York, Circuit Clerk/ls


Judge or Circuit Clerk



# IN THE 17TH JUDICIAL CIRCUIT, CASS COUNTY, MISSOURI

Judge or Division: R. MICHAEL WAGNER	Case Number: 22CA-CC00017	(Date File Stamp)
Plaintiff/Petitioner: BILLIE DIANE KNIGHT	Plaintiff's/Petitioner's Attorney/Address DAVID LAWRENCE JOHNSON 4050 PENNSYLVANIA AVE SUITE 121 KANSAS CITY, MO 64111	
Defendant/Respondent: MENARD INC	Court Address: Cass County Justice Center 2501 West Mechanic HARRISONVILLE, MO 64701	
Nature of Suit: CC Pers Injury-Other		

## Summons in Civil Case

<b>The State of Missouri to: MENARD INC</b> <b>Alias:</b> RA CSC LAYWERS INC SVC CO 221 BOLIVAR STREET JEFFERSON CITY, MO 65101   COURT SEAL OF CASS COUNTY	<p><b>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</b></p> <p><u>/s/ Kim York, Circuit Clerk, 1/18/2022, 11:08 AM</u></p> <p>_____</p> <p>Date Clerk</p>
--	--

<b>Further Information:</b>	
<b>Sheriff's or Server's Return</b> <b>Note to serving officer:</b> Summons should be returned to the court within 30 days after the date of issue. I certify that I have served the above Summons by: (check one) <input type="checkbox"/> delivering a copy of the summons and petition to the defendant/respondent. <input type="checkbox"/> leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein. <input type="checkbox"/> (for service on a corporation) delivering a copy of the summons and petition to: _____ (name) _____ (title). <input type="checkbox"/> other: _____ Served at _____ (address) in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).  _____ Printed Name of Sheriff or Server _____ Signature of Sheriff or Server  <b>Must be sworn before a notary public if not served by an authorized officer:</b> Subscribed and sworn to before me on _____ (date). (Seal) My commission expires: _____ Date _____ Notary Public	

<b>Sheriff's Fees, if applicable</b> Summons \$ _____ Non Est \$ _____ Sheriff's Deputy Salary Supplemental Surcharge \$ 10.00 Mileage \$ _____ (_____ miles @ \$._____ per mile) <b>Total</b> \$ _____ A copy of the summons and petition must be served on <b>each</b> defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.	
--	--




# IN THE 17TH JUDICIAL CIRCUIT, CASS COUNTY, MISSOURI

Judge or Division: R. MICHAEL WAGNER	Case Number: 22CA-CC00017
Plaintiff/Petitioner: BILLIE DIANE KNIGHT	Plaintiff's/Petitioner's Attorney/Address DAVID LAWRENCE JOHNSON 4050 PENNSYLVANIA AVE SUITE 121 KANSAS CITY, MO 64111
Defendant/Respondent: MENARD INC	Court Address: Cass County Justice Center 2501 West Mechanic HARRISONVILLE, MO 64701
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: **MENARD INC**  
Alias:  
RA CSC LAWYERS INC SVC CO  
221 BOLIVAR STREET  
JEFFERSON CITY, MO 65101

**COURT SEAL OF**  
  
CASS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

/s/ Kim York, Circuit Clerk, 1/18/2022, 11:08 AM  
Date Clerk

**Sheriff's or Server's Return**

**Note to serving officer:** Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

☐ delivering a copy of the summons and petition to the defendant/respondent.

☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with a person at least 18 years of age residing therein.

☒ (for service on a corporation) delivering a copy of the summons and petition to: Lauren Shipley (name) Authorized Agent (title).

☐ other: \_\_\_\_\_

Served at 221 Bolivar St. Jefferson City, MO. (address)  
in Col. (County/City of St. Louis), MO, on 2-18-22 (date) at 1:20 pm (time).

Rufus R. Harmon Printed Name of Sheriff or Server Rufus R. Harmon Signature of Sheriff or Server

**AMY SMITH**  
Notary Public - Notary Seal  
Cole County - State of Missouri  
Commission Number 21449302  
My Commission Expires Oct 5, 2025

Must be sworn before a notary public if not served by an authorized officer.

Subscribed and sworn to before me on February 18, 2022 (date).

My commission expires: Oct 5, 2025 Date Amy Smith Notary Public

**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ \_\_\_\_\_

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.




# IN THE 17TH JUDICIAL CIRCUIT, CASS COUNTY, MISSOURI

Judge or Division: R. MICHAEL WAGNER	Case Number: 22CA-CC00017
Plaintiff/Petitioner: BILLIE DIANE KNIGHT	Plaintiff's/Petitioner's Attorney/Address DAVID LAWRENCE JOHNSON 4050 PENNSYLVANIA AVE SUITE 121 KANSAS CITY, MO 64111
Defendant/Respondent: MENARD INC	Court Address: Cass County Justice Center 2501 West Mechanic HARRISONVILLE, MO 64701
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

## Summons in Civil Case

**The State of Missouri to: MENARD INC**  
**Alias:**  
 RA CSC LAYWERS INC SVC CO  
 221 BOLIVAR STREET  
 JEFFERSON CITY, MO 65101

**COURT SEAL OF**  
  
**CASS COUNTY**

**You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.**

/s/ Kim York, Circuit Clerk, 1/18/2022, 11:08 AM

Date Clerk

Further Information:

### Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

- ☐ delivering a copy of the summons and petition to the defendant/respondent.  
☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with \_\_\_\_\_, a person at least 18 years of age residing therein.  
☐ (for service on a corporation) delivering a copy of the summons and petition to: \_\_\_\_\_ (name) \_\_\_\_\_ (title).  
☐ other: \_\_\_\_\_

Served at \_\_\_\_\_ (address)  
 in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_ (date) \_\_\_\_\_ Notary Public

### Sheriff's Fees, if applicable

Summons \$ \_\_\_\_\_  
 Non Est \$ \_\_\_\_\_  
 Sheriff's Deputy Salary  
 Supplemental Surcharge \$ 10.00  
 Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)  
**Total** \$ \_\_\_\_\_

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT OF CASS COUNTY, MISSOURI

BILLIE DIANE KNIGHT	)	
230 North Carriage Meadows	)	
Peculiar, Missouri 64078	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.
	)	
MENARD, INC.	)	Division
Serve:	)	
CSC-Lawyers Incorporating	)	
Service Company, Registered Agent	)	
221 Bolivar Street	)	
Jefferson City, Missouri 65101	)	
Defendant.	)	

**REQUEST FOR SUMMONS**

To: Clerk of the Court

The Clerk of the Court will issue a Summons for Service of the Petition on: Personal service upon **CSC-Lawyers Incorporating Service Company, located at 221 Bolivar Street, Jefferson City, Missouri 65101**

You are hereby instructed to effect service of the Summons as follows:

- ☐ a. Service through the office of the Sheriff of Jackson County, Missouri other than by certified mail.
- ☒ b. Service by an authorized Process Server, please send the Summons to undersigned attorney to forward to Process Server.
- ☐ c. Service by First Class mail by the undersigned litigant/attorney, who understands that the responsibility for obtaining service and effecting its return shall be on the attorney. The Receipt for service (green card) must be filed with the Clerk's office before service can be perfected.
- ☐ d. Service by certified mail service by the office of the Sheriff of Jackson County, State of Missouri. The undersigned understands that the responsibility of obtaining service and effecting its return shall be on the Sheriff.
- ☐ e. Return to the undersigned attorney for service.

Respectfully submitted,

**DIPASQUALE MOORE, LLC**

/s/ David L. Johnson

DAVID L. JOHNSON #61867

4050 Pennsylvania Ave., Suite 121

Kansas City, MO 64111

Phone: (816) 888-7500

Fax: (816) 888-7519

E-mail: [dave.johnson@dmlawusa.com](mailto:dave.johnson@dmlawusa.com)

**ATTORNEY FOR PLAINTIFF**